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Patent
Attorney Docket No. GEMS8081.189

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : ShaoHui et al.
Serial No. : 10/707,768
Filed : January 9, 2004
For : Magnetic Resonance Imaging Magnetic Field Generator
Group Art No. : 2859
Examiner : Shrivastav, B.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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**PETITION UNDER 37 C.F.R. §1.144 SEEKING
SUPERVISORY REVIEW OF RESTRICTION REQUIREMENT**

Dear Sir:

Responsive to the Restriction Requirement made Final January 11, 2005, Applicant requests supervisory review and consideration of the following remarks in support of the rejoinder of claims 1-22.

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Haworth et al.

S/N: 10/249,389

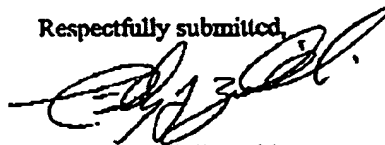
"include 'connection' and 'adhesive' in their limitations." While Applicant sees no apparent relevancy between a discussion of claims 9 and 10 of Group II, and a restriction between Groups I and III, as explained above, the limitation used to support the Examiner's basis for restriction has been removed. Therefore, Applicant requests that Groups I and III be rejoined.

In summary, the Examiner did not provide a valid basis for restricting between Groups I, II, and III in the Restriction of October 8, 2004. Specifically, Applicant showed that the Examiner failed to establish the necessary criteria of MPEP §§ 806.05(c) and (f). Furthermore, an examination of the elements of the claims of each Group shows that the original Restriction was based merely on the preambles of the independent claims, rather than upon a consideration of the claim elements and all the claims in each group as a whole. Then, in the Office Action of January 11, 2005, the Examiner provided new and inadequate basis for restriction between Groups I and II, and Groups I and III. Despite the fact that the newly proffered basis for restriction did not establish the two-way distinctness required by MPEP §806.05(c). Additionally, Applicant amended claim 1 to remove the claim limitation relied upon by the Examiner. Therefore, Applicant believes that no valid basis for restriction has been presented.

For at least these reasons, Applicant respectfully requests that the restriction be withdrawn. Accordingly, Applicant respectfully requests rejoinder of all claims.

Applicant hereby authorizes charging of deposit account no. 07-0845 for the fee of \$130.00 associated with the filing of this Petition.

Respectfully submitted,



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Dated: March 11, 2005
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